

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ANDREW SASSER

PETITIONER

V.

CIVIL NO. 00-4036

WENDY KELLEY, Director
Arkansas Department of Corrections

RESPONDENT

ORDER

In its earlier order on Petitioner's amended motion for approval of issuance of subpoenas (Doc. 239), the Court reserved ruling on whether a subpoena should be issued for Mr. Potter's attendance at an evidentiary hearing then scheduled for Fort Smith. The Court now finds that the motion should be GRANTED as to Mr. Potter as follows:

IT IS ORDERED that, pursuant to 28 U.S.C. § 1825(b), the motion is GRANTED insofar as this Court approves the issuance of a subpoena for Mr. Charles Potter for the hearing in this matter now scheduled to begin on Tuesday, February 9, 2016, in the U.S. Courthouse, 500 North State Line Avenue, Room 302, Texarkana Arkansas. Mr. Potter resides within 100 miles of the location of the hearing, as provided by Fed. R. Civ. P. 45(c)(1)(A). *See also* Fed. R. Civ. P. 81(a)(2)(stating the civil rules are applicable to proceedings for habeas corpus). Further, and accordingly, it is ordered that pursuant to 28 U.S.C. § 1825(b), the U.S. Marshals Service shall pay all witness fees and other attendance costs or expenses incurred by the witness. The U.S. Marshals Service is permitted, but not required, to pay the witness fees and other attendance costs or expenses ahead of time if the witness is unable to advance payment for their travel expenses. 28 U.S.C. § 1825(c).

IT IS SO ORDERED this 1st day of February, 2016.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE